

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
MEMPHIS DIVISION

JEFFREY JOHNSON,	)	
	)	
Plaintiff,	)	Case No.: 2:12-cv-2502
	)	
vs.	)	PLAINTIFF'S COMPLAINT
	)	AND DEMAND FOR JURY TRIAL
WINDHAM PROFESSIONALS, INC.	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT**

JEFFREY JOHNSON, ("Plaintiff"), through the undersigned counsel, ALEX SIMANOVSKY & ASSOCIATES, LLC, alleges the following against WINDHAM PROFESSIONALS, INC. , ("Defendant"):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Tennessee, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

**PARTIES**

6. Plaintiff is a natural person residing in Tennessee.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company, with its corporate office located at: 380 Main Street, Salem, Rockingham County New Hampshire 03079.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

**FACTUAL ALLEGATIONS**

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for the alleged debt.

12. Defendant calls Plaintiff from telephone number 1 (888) 241-8262 seeking and demanding payment for the alleged debt.

13. Defendant has caused Plaintiff personal phone and work phone to ring and has engaged Plaintiff in telephone conversations repeatedly.

14. Defendant did not send Plaintiff a validation letter.

15. Defendant threatened to garnish Plaintiff's wages.

16. Defendant's conduct was the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

17. Defendant violated the FDCPA based on the following:

- a.) Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at Plaintiff's place of employment even though Defendant knew that Plaintiff's employer prohibits the consumer from receiving such communications.
- b.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- c.) Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- d.) Defendant violated §1692c(a)(1) of the FDCPA by communicating with Plaintiff at such place and time known or which should have been known to be inconvenient to Plaintiff.
- e.) Defendant violated §1692g of the FDCPA by failing to send the Plaintiff a validation notice within five days of the initial communication, either written or oral.
- f.) Defendant violated 1692e(4) of the FDCPA by giving the Plaintiff the impression that nonpayment of any debt will result in the garnishment of his wages and the Defendant intended to take such action.

WHEREFORE, Plaintiff, JEFFREY JOHNSON, respectfully requests judgment be entered against Defendant, WINDHAM PROFESSIONALS, INC., for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, JEFFREY JOHNSON, demands a jury trial in this case.

This 25<sup>th</sup> day of June, 2012.

By: /s/ Alex Simanovsky  
Alex Simanovsky, Esq.  
Attorney for Plaintiff  
[Admitted to the Western District of TN Bar]  
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